

1

2

3

4

5

6

7

8

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

12 SAN JOSE TENANTS ASSOCIATION,

Case No. 18-CV-06800-LHK

13 Plaintiff,

**ORDER STAYING CASE**

14 v.

15 CITY OF SAN JOSE,

16 Defendant.

17  
18 On October 4, 2018, the Court granted Defendant's motion to dismiss without prejudice in  
19 the case *Hotop et al v. City of San Jose, et al* (18-CV-2024-LHK) ("Hotop"). *See* 18-CV-2024-  
20 LHK, Dkt. No. 36. On October 11, 2018, the *Hotop* plaintiffs filed a notice of their intent not to  
21 amend the FAC pursuant to the Court's October 4, 2018 Order and instead indicated their intent to  
22 stand on the FAC. *Id.*, Dkt. No. 38. Accordingly, the Court dismissed the *Hotop* plaintiffs' FAC  
23 with prejudice and directed the Clerk to enter judgment in favor of Defendant and to close the file.  
24 *Id.*, Dkt. No. 39. On October 15, 2018, the *Hotop* plaintiffs filed a notice of appeal. *Id.*, Dkt. No.  
25 40.

26 On December 14, 2018, Defendant filed an administrative seeking to relate the instant case  
27 ("San Jose Tenants Association") to the *Hotop* case. *See* 18-CV-2024-LHK, Dkt. No. 44.

1 Defendant's motion explained that the complaints filed in *San Jose Tenants Association* and  
2 *Hotop* were filed by the same counsel and were nearly verbatim copies of each other, and that both  
3 challenged the same Rent Registry provisions of the City's Apartment Rent Ordinance and alleged  
4 the same violations of the United States Constitution. *See id.* at 2. In addition, Defendant also  
5 articulated that the two actions concern "substantially the same . . . property, transaction, or  
6 event," and "[i]t appears likely that there will be unduly burdensome duplication of labor and  
7 expense or conflicting results in the cases are conducted before different Judges." *Id.* (quoting  
8 Civil L.R. 3-12). Plaintiffs did not oppose.

9 Accordingly, on December 20, 2018, the Court granted Defendant's motion and related the  
10 instant *San Jose Tenants Association* case to the *Hotop* case. *See* 18-CV-2024-LHK, Dkt. No. 45;  
11 ECF No. 13. As a result, on December 20, 2018, the Clerk's office reassigned the instant *San Jose*  
12 *Tenants Association* case to the undersigned. ECF No. 14.

13 Now that the instant *San Jose Tenants Association* case has been related to *Hotop* and  
14 reassigned to the undersigned, the Court STAYS the instant *San Jose Tenants Association* case  
15 pending resolution of the appeal in *Hotop*. The *San Jose Tenants Association* case complaint was  
16 filed on November 9, 2018. ECF No. 1. There has been no initial case management conference or  
17 activity in the instant case. Moreover, the same Plaintiff's counsel in *Hotop* chose not to litigate in  
18 district court and chose instead to seek immediate appeal of this Court's dismissal order.  
19 Resolution of *Hotop*'s appeal will help to simplify the issues and questions of law in the instant  
20 related *San Jose Tenants Association* case. Therefore, the Court finds that "the hardship or  
21 inequity which a party may suffer in being required to go forward, and the orderly course of  
22 justice measured in terms of the simplifying or complicating of issues, proof, and questions of law  
23 which could be expected to result from a stay" weigh strongly in favor of a stay. *CMAX, Inc. v.*  
24 *Hall*, 300 F.2d 265, 268 (9th Cir. 1962).

25 The Clerk shall administratively close the file. This is an internal administrative procedure  
26 that does not affect the rights of the parties. The parties shall jointly alert the Court immediately of  
27 any Ninth Circuit ruling in the *Hotop* case.

1

2 **IT IS SO ORDERED.**

3

4 Dated: December 20, 2018

5



6 LUCY H. KOH  
7 United States District Judge

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28